

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5886 OF 2004
IN
CRIMINAL APPEAL NO.513 OF 2001

Sureshchandra C.Thakkar & Anr. ..Applicants.

V/s.

Shri Harbans Singh & Anr. ..Respondents.

None for applicants.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR, J

DATE : NOVEMBER 25, 2005.

P.C. :

1. It is not in dispute that the accused have challenged the order of conviction by filing appeals before the Sessions Court at Mumbai bearing Criminal Appeal No.175 of 2001 and 176 of 2001 respectively. The said appeals are still pending for hearing before the Sessions Court. The Respondents have filed Criminal Appeal bearing Criminal Appeal No.513 of 2001 in this court for enhancement of sentence imposed by the trial court. In my opinion, instead of transferring above referred two appeals pending before the Sessions Court to this court, the appropriate course will be to transfer the criminal appeal filed by the respondents being Criminal Appeal

No.513 of 2001, to be heard alongwith the said appeals by the Sessions Court which arises from the same Judgment and order.

2. Accordingly, this application is allowed by directing the Criminal Appeal no.513 of 2001 filed in this court to be transferred to the Sessions Court, Mumbai for being heard alongwith Criminal Appeal No.175 of 2001 and 176 of 2001 respectively. Papers of the companion Criminal Appeal No.513 of 2001 be forwarded to the Sessions Court by the office forthwith, in any case, not later than four weeks from today. Application is disposed of on the above terms.